

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-3, 6-8 and 12-17 remain pending in the case. Claims 1-3, 6-8 and 12-17 are rejected. Claims 1 and 13 are amended herein.

103(a) Rejection

According to the Office Action mailed October 20, 2008, hereinafter referred to as the “instant Office Action,” Claims 1-3, 6-8 and 12-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Patent Application Publication No. 2004/0228087 by Coglitore, further in view of U.S. Patent No. 5,861,684 by Slade et al., hereinafter referred to as “Slade.” Applicants have reviewed Coglitore and Slade and respectfully submit that the embodiments recited in Claims 1-3, 6-8 and 12-17 are patentable over Coglitore in view of Slade, for at least the following rationale.

Independent Claims 1 and 13 have been amended to include the feature of “said capacity of said power sources is greater than said one or more loads.” Independent Claim 14 already includes the claimed feature of “the power sources being sufficient in number and capacity such that a combination of less than all of the sources is sufficient to power each load.”

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A power distribution system comprising:
one or more loads, each load operable to be mounted in a rack location;
a plurality of power sources, each power source having a capacity less than each load and operable to be mounted in a rack location not having a load such that said capacity of said power sources is greater than said one or more loads; and
an interconnect arrangement including a plurality of interconnects, the interconnects directly connecting each load to

each of the sources in parallel such that each load is fully powered and if anyone source fails, each load remains fully powered.

Independent Claims 13 and 14 recite similar embodiments. Claims 2, 3, 6-8, 12 and 15-17 that depend from independent Claim 1 also include this embodiment.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicants respectfully submit that “[i]t is improper to combine references where the references teach away from their combination” (emphasis added; MPEP 2145(X)(D)(2); *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)). Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions

that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Applicants respectfully submit that there is no motivation to combine the teachings of Koch and Slade, because Koch teaches away from the suggested modification.

First, Applicants respectfully submit that Coglitore teaches away from “a plurality of power sources, each power source having a capacity less than each load such that said capacity of said power sources is greater than said one or more loads and operable to be mounted in a rack location not having a load” (emphasis added) as recited in amended independent Claims 1 and 13, and the similar recitation of independent Claim 14, and that Coglitore teaches away from the suggested modification and combination with Slade.

Applicants respectfully note that the instant Office Action recites that “Coglitore, however, does not disclose expressly ... each power source having a capacity less than each load,” (emphasis added; instant Office Action, page 3). Applicants understand the instant Office Action to assert that Slade overcomes this shortcoming. In particular, Applicants understand the instant Office Action to assert that Slade discloses that “each of the sources has a capacity less than the load,” and that such a disclosure overcomes this shortcoming of Coglitore.

Applicants understand Coglitore to disclose “three power supply modules may work together in parallel to all of the computing units.” Coglitore fails to teach any sort of over capacity and fails to teach or suggest “such that

said capacity of said power sources is greater than said one or more loads,” as claimed. Coglitore goes on to teach “or they may be configured such that each module is primarily responsible for a subset of computing units in the rack.” Coglitore teaches a system where the load is split over an according amount of power supply equal to the load. Coglitore fails to teach back-up power to provide constant power to a device in the event of a power failure, as with the present claimed invention.

Slade fails to remedy the deficiencies of Coglitore in that as with Calgitore, Slade also fails to teach or suggest suggest “such that said capacity of said power sources is greater than said one or more loads,” as claimed.

In summary, Applicants respectfully submit that the rejection of Claims 1-3, 6-8 and 12-17 is improper. In particular, Applicants respectfully submit that the rejection of Claim 1-3, 6-8 and 12-17 does not satisfy the requirements of a *prima facie* case of obviousness as Coglitore and Slade as a whole do not render the claimed embodiments obvious. In particular, Applicants respectfully submit that Coglitore teaches away from “a plurality of power sources, each power source having a capacity less than each load such that said capacity of said power sources is greater than said one or more loads,” as claimed. ” (emphasis added) as recited in amended independent Claims 1 and 13, and the similar recitation of independent Claim 14.

Applicants respectfully assert that Coglitore and Slade does not render obvious the claimed embodiments of the present invention as recited in independent Claims 1, 13 and 14, that these claims overcome the rejection under

35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that Coglitore and Slade also does not render obvious the claimed embodiments as recited in Claims 2, 3, 6-8, 12 and 15-17 that depend from independent Claim 1 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-3, 6-8 and 12-17 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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